

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address). STEVEN B. STEIN (SBN 52829) LAW OFFICE OF STEVEN B. STEIN 44 Montgomery Street, 36th Floor San Francisco, CA 94104 TELEPHONE NO. 415-646-7171 FAX NO. (Optional) 415-981-1095 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs, Steve Shapiro and Steve Shapiro Music		FOR COURT USE ONLY ENDORSED FILED San Francisco County Superior Court SEP 27 2007 GORDON PARK-LI, Clerk JUDICIAL BRANCH 22 FEB 29 2008 - 9:00 AM DEPARTMENT 212
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:		
PLAINTIFF: STEVE SHAPIRO and STEVE SHAPIRO MUSIC DEFENDANT: JUPITERIMAGES CORPORATION		
<input checked="" type="checkbox"/> DOES 1 TO 10 <input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Number): <input type="checkbox"/> CROSS-COMPLAINT <input type="checkbox"/> AMENDED CROSS-COMPLAINT (Number):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: 00007-0467713

1. Plaintiff (name or names):
Steve Shapiro and Steve Shapiro Music
 alleges causes of action against defendant* (name or names):
Jupiterimages Corporation
2. This pleading, including attachments and exhibits, consists of the following number of pages: **10**
3. a. Each plaintiff named above is a competent adult.
☐ except plaintiff (name):
 (1) ☐ a corporation qualified to do business in California
 (2) ☐ an unincorporated entity (describe):
 (3) ☐ other (specify):
- b. ☐ Plaintiff (name):
 a. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name (specify):
 b. ☐ has complied with all licensing requirements as a licensed (specify):
 c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.
4. a. Each defendant named above is a natural person
☒ except defendant (name): **Jupiterimages Corp.** ☐ except defendant (name):
 (1) ☐ a business organization, form unknown (1) ☐ a business organization, form unknown
 (2) ☒ a corporation (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe): (3) ☐ an unincorporated entity (describe):
 (4) ☐ a public entity (describe): (4) ☐ a public entity (describe):
 (5) ☐ other (specify): (5) ☐ other (specify):

Form Approved for Optional Use
 Judicial Council of California
 PLD-C-001 (Rev. January 1, 2007)

COMPLAINT—Contract

Code of Civil Procedure, § 405.12

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EXHIBIT A PAGE 3

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EXHIBIT A

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SHORT TITLE: Shapiro et al. v. Jupiterimages Corp.	CASE NUMBER:
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4. (Continued)
- b. The true names of defendants sued as Does are unknown to plaintiff.
- (1) ☐ Doe defendants (specify Doe numbers): _____ were the agents or employees of the named defendants and acted within the scope of that agency or employment.
- (2) ☒ Doe defendants (specify Doe numbers): 1-10 are persons whose capacities are unknown to plaintiff.
- c. ☐ Information about additional defendants who are not natural persons is contained in Attachment 4c.
- d. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names): _____
5. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify): _____
6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.
7. This court is the proper court because
- a. ☒ a defendant entered into the contract here.
- b. ☐ a defendant lived here when the contract was entered into.
- c. ☐ a defendant lives here now.
- d. ☒ the contract was to be performed here.
- e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.
- f. ☐ real property that is the subject of this action is located here.
- g. ☐ other (specify): _____
8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):
- ☐ Breach of Contract
- ☐ Common Counts
- ☒ Other (specify):
Declaratory Relief
9. ☐ Other allegations: _____
10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- a. ☐ damages of: \$ _____
- b. ☐ interest on the damages
- (1) ☐ according to proof
- (2) ☐ at the rate of (specify): _____ percent per year from (date): _____
- c. ☐ attorney's fees
- (1) ☐ of: \$ _____
- (2) ☐ according to proof.
- d. ☒ other (specify):
Declaratory Relief
11. ☐ The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers): _____

Date: September 28, 2007

Steven B. Stein

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

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COMPLAINT—Contract

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EXHIBIT. A PAGE 4

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PLD-C-001(1)

SHORT TITLE:

Shapiro et al. v. Jupiterimages Corp.

CASE NUMBER:

First CAUSE OF ACTION—DECLARATORY RELIEF
(number)ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

BC-1. Plaintiff (name): Steven Shapiro and Steven Shapiro Music

alleges that on or about (date): April 18, 2006

a ☒ written ☐ oral ☐ other (specify):

agreement was made between (name parties to agreement):

Plaintiff and Jupiterimages Music

☒ A copy of the agreement is attached as Exhibit A, or☐ The essential terms of the agreement ☐ are stated in Attachment BC-1 ☐ are as follows (specify):

Asset Purchase Agreement, dated April 18, 2006. Exhibit A to the agreement omitted but incorporated herein by reference.

BC-2. On or about (dates): September 25, 2007

defendant breached the agreement by ☐ the acts specified in Attachment BC-2 ☒ the following acts (specify):

An actual controversy now exists between plaintiff and defendants concerning their respective rights, duties, and obligations under the aforesaid contract, specifically paragraphs 5.1 and 6.1 therein.

BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or excused from performing.

BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement

☐ as stated in Attachment BC-4 ☐ as follows (specify):BC-5. ☐ Plaintiff is entitled to attorney fees by an agreement or a statute☐ of \$☐ according to proof.BC-6. ☒ Other:

Plaintiff desires a judicial determination and declaration of the parties' respective rights, duties and obligations under paragraphs 5.1 and 6.1 of said contract.

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